

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
(3:04-cr-106-FDW-1)**

**DEMONTRELL WILLIAMS WHITE,** )

)

**Petitioner,** )

)

**vs.** )

**ORDER**

)

**UNITED STATES OF AMERICA,** )

)

)

**Respondent.** )

)

**THIS MATTER** is before the Court on Petitioner's Unopposed Motion for Time-Served and Immediate Release, (Doc. No. 85). Petitioner is represented by Joshua Carpenter of the Federal Defenders of Western North Carolina.

On June 8, 2016, this Court granted Petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and ordered that Petitioner was entitled to be resentenced, in light of Johnson v. United States, 135 S. Ct. 2551 (2015). See (Civ. No. 3:16cv207, Doc. No. 4). Petitioner filed the pending motion on June 20, 2016, informing the Court that the Government agrees that Petitioner is entitled to a sentence of time-served and immediate release because Petitioner has already served more than the 120-month statutory mandatory sentence to which he would be subject without application of the Armed Career Criminal Act, 18 U.S.C. § 924(e).

**IT IS, HEREBY, ORDERED that:**

- (1) Petitioner's Unopposed Motion for Time-Served and Immediate Release, (Doc. No. 85), is **GRANTED**.

- (2) In accordance with this Court's order on Petitioner's motion to vacate in Civil Case No. 3:16-cv-207, and because Petitioner has served a sentence that exceeds the statutory maximum to which his conduct exposed him, he is entitled to a sentence of time-served plus up to ten days.
- (3) Petitioner is therefore **ORDERED** released from the custody of the United States Bureau of Prisons and/or the custody of the U.S. Marshals Service within ten days of this Order.
- (4) To allow the Bureau of Prisons/United States Marshal/Pretrial Service adequate time, such are allowed up to ten days to comply with this order.
- (5) The Clerk of Court shall certify copies of this Order to the U.S. Bureau of Prisons, U.S. Marshals Service, and the U.S. Probation and Pretrial Services Office.



Frank D. Whitney  
Chief United States District Judge

